

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.II

2009 DEC 29 AM 10:58

BEFORE THE ADMINISTRATOR

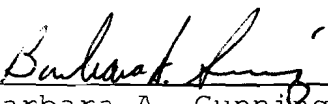
REGIONAL HEARING
CLERK

In the Matter of)	
)	
ROBINSON CONCRETE, INC. d/b/a)	DOCKET NO. CWA-02-2009-3404
FRANKLIN STREET READY MIX)	
FACILITY, ROBINSON CONCRETE,)	
INC. FRANKLIN STREET PIT SAND)	
AND GRAVEL MINE, and VITALE)	
READY MIX CONCRETE, INC.,)	
)	
Respondents)	


REPORT RECOMMENDING CONTINUATION
OF ALTERNATIVE DISPUTE RESOLUTION PROCESS

The Chief Administrative Law Judge's Order of October 16, 2009 provides that this alternative dispute resolution (ADR) process terminates December 15, 2009. The recommendation of this Report is that the ADR process be continued for another month, to January 15, 2010.

This continuation of the ADR process is recommended because the parties' negotiations are ongoing. The undersigned will continue to serve as a Neutral in this case and will file another report with the Chief Administrative Law Judge by January 15, 2010 unless otherwise directed by her.


Barbara A. Gunning
Administrative Law Judge

Dated: December 16, 2009

Approved: 
Susan L. Biro
Chief Administrative Law Judge

Dated: 12/17/09

In the ADR Matter of *Robinson Concrete, Inc., d/b/a Franklin Street Ready Mix Facility, Robinson Concrete, Inc., Franklin Street Pit Sand and Gravel Mine, and Vitale Ready Mix Concrete, Inc.,* Respondent.

Docket No. CWA-02-2009-3403

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Report Recommending Continuation of Alternative Dispute Resolution Process**, dated December 16, 2009, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Karen Maples
Regional Hearing Clerk
US EPA, Region II
290 Broadway, 16th Floor
New York, NY 10007-1866

One Copy by Pouch Mail to:

Melva J. Hayden, Esq.
Office of Regional Counsel
U.S. EPA, Region II
290 Broadway, 16th Floor
New York, NY 10007-1866

One Copy by Regular Mail to:

Amy K. Kendall, Esq.
Hiscock & Barclay, LLP
2000 HSBC Plaza
100 Chestnut Street
Rochester, NY 14604

Dated: December 16, 2009
Washington, D.C.